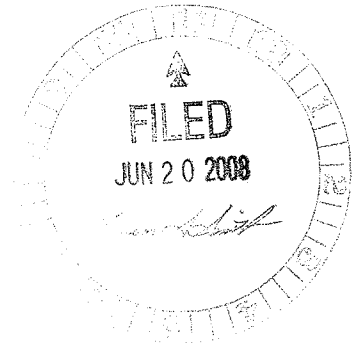


**In the  
Indiana Supreme Court**



IN THE MATTER OF THE )  
 )  
APPROVAL OF LOCAL RULES )  
 )  
FOR LAWRENCE COUNTY )

Case No. 47S00-0806-MS- 351

**ORDER APPROVING AMENDED LOCAL RULES**

The judges of the Lawrence Circuit and Superior Courts request the approval of amended local rules: for caseload allocation in accordance with Ind. Administrative Rule 1(E), regulation of court reporter services in accordance with Ind. Administrative Rule 15, and appointment of special judges in accordance with Ind. Trial Rule 79. Attached to this Order are the proposed amended local rules.

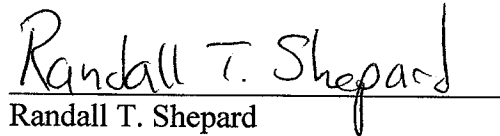
Upon examination of the proposed rule amendments requested by the Lawrence Circuit and Superior Courts, this Court finds that the proposed rule amendments, LR47-AR00-002, LR47-AR15-006, and LR47-TR79-113, comply with the requirements of Ind. Administrative Rule 1(E), Ind. Administrative Rule 15, and Ind. Trial Rule 79, and accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that Lawrence County Local Rules, LR47-AR00-002, LR47-AR15-006, and LR47-TR79-113, set forth as an attachment to this Order, are approved effective July 1, 2008, provided further that the rules shall be posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website prior to the effective date.

The Clerk of this Court is directed to forward a copy of this Order to the Hon. Andrea K. McCord, Lawrence Circuit Court, Courthouse, Bedford, IN 47421-3852; the Hon. Michael A. Robbins, Lawrence Superior Court, Courthouse Plaza, Lower Level, 918 Sixteenth Street, Suite 300, Bedford, IN 47421; the Hon. William G. Sleva, Lawrence Superior Court, Courthouse Plaza, Lower Level, 918 Sixteenth Street, Suite 400, Bedford, IN 47421-3334; and to the Clerk of the Lawrence Circuit Court, and to post this Order on the Court's website dealing with local rule amendments.

by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website.

DONE at Indianapolis, Indiana, this 20<sup>th</sup> day of June, 2008.

  
\_\_\_\_\_  
Randall T. Shepard  
Chief Justice of Indiana

## **LR47-AR00-002. ASSIGNMENT OF CASES**

- A. Generally. This Local Rule supercedes the “Local Rules of the Lawrence Circuit and Superior Courts Concerning Case Assignment” adopted March 4, 1997.
- B. Criminal Case Assignment.
1. All felonies, including those classified as Murder, Class A, Class B, and Class C, as well as those Class D felonies which do not charge an alcohol or controlled substance offense, shall be filed in equal proportion, on a blind filing basis, in all three Courts through the Office of the Lawrence County Clerk. All Class D felonies and misdemeanors charging an alcohol or controlled substance offense, and all infraction and ordinance violations, shall be filed in the Lawrence Superior Court, Division II. All other non-traffic related misdemeanors shall be filed in the Lawrence Superior Court, Division I. All initial filing determinations shall be on the basis of the most serious offense charged.
  2. Charges involving co-defendants will, if possible, be filed in the same Court. The Courts will transfer such cases if such co-defendants are inadvertently separated at the time of the original filing.
- C. Transfer of Criminal Cases. The Judges of the Lawrence Circuit and Superior Courts, by appropriate order, may transfer and reassign to the other Courts any pending case, subject to acceptance by the receiving Court.
- D. Re-Filing and Subsequent Filing of Criminal Cases. Upon dismissal of a case by the State of Indiana and a subsequent re-filing of the case based on the same occurrence, such newly filed case shall be re-filed in the Court from which the dismissal was taken. Further, in the event additional criminal charges are filed against a felony defendant at any time prior to sentencing, the additional charges shall be filed in the Court in which the other charges are already pending.
- E. Change of Judge in Criminal Case. In the event the regular Judge of the Court recuses himself/herself, the case shall be assigned as follows: From the Judge of the Circuit Court to the Judge of the Superior Court, Division I; from the Judge of the Superior Court, Division I, to the Judge of the Superior Court, Division II; from the Judge of the Superior Court, Division II, to the Judge of the Circuit Court. In the event that all three regular Judges of the Lawrence Circuit and Superior Courts are disqualified, the case shall be assigned first to the Judges of the Monroe Circuits Courts, then to the Judges of the Jackson Circuit and Superior Courts, then to the Judges of Washington Circuit and Superior Courts, then to the Judges of Orange Circuit and Superior Courts, then to the Judges of the Martin Circuit Court, then to the Judges of the Greene Circuit Court and Superior Courts, all on a rotating basis in the preceding order.

- F. Civil and Other Case Assignment. All small claims shall be filed in the Lawrence Superior Court, Division II. All civil proceedings which are assigned a CP, CT, RS, or MI cause number shall be filed in the Lawrence Circuit Court and the Lawrence Superior Court, Division I, on a rotating basis through the Clerk of Lawrence County. Additionally, all proceedings regarding dissolution of marriage shall be filed in the Lawrence Circuit Court and the Lawrence Superior Court, Division I, also on a rotating basis, through the Clerk of Lawrence County. All mental health proceedings shall be filed in the Lawrence Superior Court, Division I. All protective order requests shall be filed in the Lawrence Circuit Court, subject to statutory exception and any exception specified by these rules. Additionally, if a dissolution action is pending in the Lawrence Circuit or Superior Court, Division I, a subsequently filed protective order shall be filed in that Court. All probate juvenile, guardianship, trust, adoption, or Title IV-D support collection matters, excepting those where the original dissolution was in Superior Court, Division I, shall be filed in the Lawrence Circuit Court.
- G. Modification. The Courts of Lawrence County may, from time to time, modify the above rules regarding local assignment of cases to meet the needs of the Courts in circumstances deemed necessary by agreement of the Judges of the Courts of Lawrence County. Some instances that may necessitate temporary modification of this assignment of cases rule are as follows: temporary extended absence or disability of a Judge; a case of size or complexity to overburden a particular Court; temporary case load disparities.

## **LR47-AR15-006. PROVISION OF COURT REPORTER SERVICES**

- A. Definitions. The Definitions contained in Administrative Rule 5(B) are adopted herein and control any question of interpretation. For the purposes of this rule, the regular hours worked by the Court reporting staff shall be Monday through Friday from 8:30 a.m. until 12:00 noon and 1:00 p.m. until 4:30 p.m. The work week shall be a seven-day period commencing with Sunday and ending with the Saturday of each week and contain thirty-seven and one-half (37 ½) hours for which salaried compensation is paid. Such work period may, from time to time, be modified by the judge in each Court of this county.
- B. Compensation. A Court reporter shall work directly under the control, direction and direct supervision of the judge by whom they are employed during all hours of employment. Each Court reporter shall be paid an annual salary, as set by the Court and approved by the county council, for regular hours worked during the work week. Gap hours shall be separately compensated at a rate equivalent to the hourly rate of the early salary and overtime hours shall be separately compensated at a rate equivalent to one and one-half times the hourly rate of the yearly salary, or compensatory time off shall be given, weighted in the same manner.
- C. Duties and Responsibilities. The duties of a Court Reporter shall include:
1. reporting the evidence presented in proceedings before the Court;
  2. preservation and storage of any physical evidence presented in Court proceedings;
  3. preparation of chronological case summary entries at the direction of the Court and providing notice thereof as required by the Rules of Trial Procedure;
  4. preparation of written documents to effectuate the rulings, order and judgments of the Court or comply with the rules of the Indiana Supreme Court;
  5. preparation of transcripts of evidence presented in Court proceedings requested pursuant to the rules of trial procedure; and
  6. such other functions and responsibilities as required by law or the Court for its effective administration.
- D. Transcript Preparation. A reporter shall prepare transcripts of evidence, only during regular employment hours, unless otherwise requested or ordered to do so by the Court, the Indiana Court of Appeals or the Indian Supreme Court. If a transcript cannot be completed during regular hours due to applicable appellate deadlines, the reporter shall receive additional salary as follows: gap hours shall be paid in the amount equal to the hourly rate of the annual salary; overtime hours shall be paid in the amount of one and one-half times the hourly rate of the annual salary; or compensatory time of shall be given, weighted in the same manner. The manner of the provision of such additional salary of time off shall be determined by a written agreement to be freely negotiated and executed between the Court and the reporter.

- E. Private Practice. A reporter may elect to engage in the private practice of "reporting," i.e., the recording of and preparation of deposition transcripts; but such activity, regardless of whether the deposition concerns a cause pending before the Court, shall be conducted outside of regular hours. A reporter electing to engage in such private conduct shall not use the Court's facilities or equipment in such activities.
- F. Maximum Per Page Fees. The reporter shall not charge more than the following rates per page:  
Depositions: ~~\$3.50~~ \$4.00 per page for originals, and \$2.00 per page for copies.  
Additional Fees;  
A minimum fee of ~~\$35.00~~ \$50.00 per transcript will be charged for transcripts of eight (8) pages or less.  
A \$7.00 fee will be assessed for each binder needed and an additional \$3.00 fee will be charged for each diskette.  
A fee of ~~\$15.00~~ \$17.75 per hour will be charged for binding costs on appealable transcripts.  
The Table of Contents and Index will be charged at the rate of ~~\$3.50~~ \$4.00 per page in addition to binder costs and the hourly rate of ~~\$15.00~~ \$17.75 per hour to bind same.
- G. Annual Report. A Court reporter shall annually report all transcript and deposition fees received to the Office of State Court Administration on such forms as may be prescribed.

**LR47-TR79-113. SPECIAL JUDGE SELECTION (INCLUDING SMALL CLAIMS)**

- A. Cases Involving A Change Of Judge. In the absence of an agreement as to a particular special judge [TR 79(D)], or an agreement to have the regular sitting judge appoint a special judge [TR 79(E)], the regular sitting judge shall name a panel pursuant to TR 79(F) consisting, whenever possible, of other judges, senior judges assigned to the court or magistrates from Lawrence County. If a sufficient number of Lawrence County judges, senior judges assigned to the court or magistrates does not exist, then a panel shall be named including the available Lawrence County judges, senior judges assigned to the court or magistrates, and judges or magistrates from Greene, Monroe or Owen Counties.

If none of the above methods produce a special judge, the clerk of the court shall select a special judge (on a rotating basis) from an alphabetical list of judges or magistrates eligible under Trial Rule 79(J) from Greene, Monroe and Owen Counties.

In cases in which no judge is eligible to serve as special judge or the particular circumstance of a case warrants selection of a special judge by the Indiana Supreme Court, the regular sitting judge may certify the case to the Supreme Court for appointment of a special judge.

- B. Cases Involving Recusal Or Disqualification Of A Judge. In the absence of an agreement as to a particular special judge [TR 79(D)], or an agreement to have the regular sitting judge appoint a special judge [TR 79(E)], the clerk of the court shall select a special judge (on a rotating basis) from an alphabetical list of judges or magistrates eligible under Trial Rule 79(J) from Lawrence County, Greene County, Monroe County and Owen County.

In cases in which no judge is eligible to serve as special judge or the particular circumstance of a case warrants selection of a special judge by the Indiana Supreme Court, the regular sitting judge may certify the case to the Supreme Court for appointment of a special judge.

STATE OF INDIANA                     )  
LAWRENCE COUNTY                    )

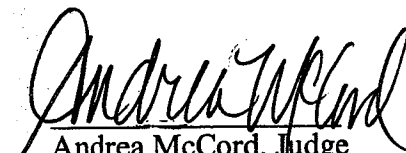
IN THE MATTER OF                    )  
PROPOSED LOCAL RULES            )

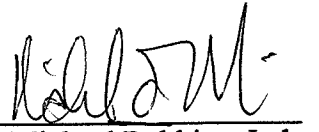
**ORDER FINDING GOOD CAUSE TO ADOPT LOCAL RULES  
AND TO DEVIATE FROM TIME SCHEDULE FOR ADOPTION  
AND REQUEST FOR SUPREME COURT APPROVAL**

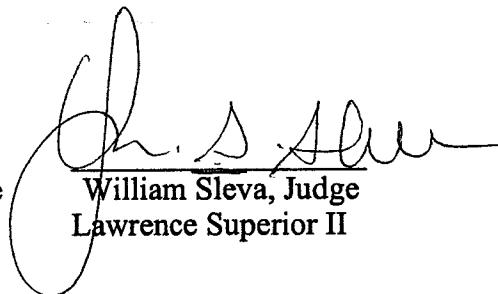
Pursuant to Trial Rule 81(D) of the Indiana Rules of Trial Procedure, the Judges of the Lawrence Circuit and Superior Courts find that good cause exists to deviate from the schedule established by Trial Rule 81(C), and do now adopt the following local rules. Any comments may be sent to the Honorable Michael A. Robbins, Judge of Superior Court # 1 of Lawrence County at 918 16th Street, Suite # 300, Bedford, IN 47421. Comments from the bar and public will be accepted for thirty (30) days after posting. These rules shall become effective thirty (30) days after posting in the Office of the Lawrence County Clerk and on the Indiana Judicial Website, and after review and approval by the Indiana Supreme Court of local rules: LR47-AR00-002, Assignment of Cases, LR47-AR15-006, Court Reporter Services, and LR47 TR79-113, Special Judge Selection.

It is further ordered that notice of the adoption of these proposed local rules shall be provided to the Division of State Court Administration, to the Clerk of Lawrence County, and to the Lawrence County Bar Association.

All of which is ordered this 15th day of May 2008.

  
Andrea McCord, Judge  
Lawrence Circuit Court

  
Michael Robbins, Judge  
Lawrence Superior I

  
William Sleva, Judge  
Lawrence Superior II